

Exhibit 2

1 IN THE UNITED STATES DISTRICT COURT
2 FOR THE EASTERN DISTRICT OF MISSOURI
3 EASTERN DIVISION 14:18 CV 01962 (SEV)
4

5 GEORGE MOORE and VIRGINIA
6 CARTER, on behalf of
7 themselves and all others
8 similarly situated,
9 Plaintiffs,

10 vs.

11 COMPASS GROUP USA, INC., d/b/a
12 CANTEEN,
13
14 Defendant.

15 VOLUME II

16 VIRTUAL ZOOM VIDEOTAPED 30(b)(6) DEPOSITION
17 OF COMPASS GROUP USA, INC. BY DAVID GOLDRING
18 (Taken by Plaintiffs)
19 Charlotte, North Carolina
20 Wednesday, June 30, 2021
21
22

23 Reported by Andrea L. Kingsley, RPR
24
25

A P P E A R A N C E S

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1 State of Pennsylvania regarding this matter?

2 A. I would have reviewed the letter before
3 Kathy mailed it out.

4 Q. I want to show you a couple other
5 exhibits we have obtained that we didn't have last 11:05AM
6 time, at least I don't think we had last time. The
7 first is a document I am marking as Exhibit Number
8 56.

9 (Exhibit 56, PowerPoint
10 presentation, marked for identification, as of 11:06AM
11 this date.)

12 Q. It is a PowerPoint presentation.

13 MR. PARTAIN: And I would ask that
14 the court reporter, when this is marked and
15 produced, maintain it in its PowerPoint form, 11:06AM
16 it's electronic form, as opposed to
17 reproducing it to PDF. We can talk about that
18 after the deposition.

19
20 Q. There was a gentleman you told me last 11:06AM
21 time, I believe his first name was Scott, was it
22 Scott Devine; is that right?

23 A. That's correct.

24 Q. And I think you told me last time that
25 Mr. Devine was the person responsible for rolling 11:06AM

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1 out the survey to the field, in terms of training
2 and things of that nature; is that right?

3 A. That's correct.

4 Q. You told me that Mr. Devine had at least
5 one, and that we were given two PowerPoint 11:06AM
6 presentations in that vein. If you want to take a
7 moment, we can look through this, but this
8 PowerPoint that we've marked as Exhibit Number 56,
9 is this one -- is this what you were referring to
10 during our last session, sir? 11:07AM

11 A. Yes, it is.

12 Q. So the first one we're going to look at
13 here, Exhibit 56, is, "The Cashless 2 Tier Project,
14 Non-Regulatory States." That's the first slide of
15 this particular exhibit. The second slide says 11:07AM
16 "Questions, using WebEx messenger, submit your
17 questions to Caitlin O'Shea." Who is Caitlin
18 O'Shea?

19 A. She was the director of communications.

20 Q. I do want to apologize, some of these 11:07AM
21 questions I asked you last time. I did my best to
22 review the transcript, but my memory isn't as good
23 as it could be sometimes. So if I've asked you
24 these before, I apologize.

25 The third slide here is entitled "Why." 11:07AM

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1 And on the slide, it says, "Millions in annual 2
2 tier revenue," and underneath it says, "Offsets
3 cashless costs."

4 First of all, were you involved in any
5 way in the preparation of the -- let's just be very 11:08AM
6 specific, were you involved in any way in the
7 preparation of this particular PowerPoint
8 presentation, which was -- which I think you
9 testified before was used to train the folks in the
10 field? 11:08AM

11 MR. WYLIE: Object to the extent it
12 calls for the disclosure of attorney/client
13 communications.

14 Q. You can go ahead and answer, sir.
15 Without telling me anything you had talked with your 11:08AM
16 attorneys about, were you involved in any way in the
17 preparation of this PowerPoint presentation?

18 A. No, I did not work on the preparation of
19 this.

20 Q. Before today, have you seen this? 11:08AM

21 A. Yes.

22 Q. Were you involved in any of the
23 presentations to the folks in the field, like, for
24 instance, did you ever witness or go to or were you
25 with Mr. Devine when he was doing any of the 11:09AM

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1 training at any point in time?

2 A. Not that I recall.

3 Q. Did Mr. Devine ever make a presentation
4 to you or any of the other members of the -- any of
5 the other executives regarding this particular 11:09AM
6 PowerPoint or the training associated with it?

7 A. I would have reviewed the general
8 content of what he was going to be presenting.

9 Q. And I assume reviewed it, and then
10 obviously approved it for use in the field; is that 11:09AM
11 right?

12 A. Correct.

13 Q. When it says here, "Millions in annual 2
14 Tier Revenue," this is across the United States, the
15 two tier revenue, when we talk about millions, 11:10AM
16 we're -- first of all, we're talking about millions
17 of dollars; right?

18 A. Yes.

19 Q. And two tier revenue represented
20 millions of dollars in revenue for Canteen each 11:10AM
21 year, is that right, at this point in time?

22 A. Yes.

23 Q. Underneath, it says, "Countless
24 disclosure stickers, too many variations."

25 Do you see that? 11:10AM

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1 A. I do.

2 Q. Did you agree back in this time frame --
3 we're going to get to some dates here in a second,
4 but I assume that these PowerPoints were created at
5 the time the survey was being rolled out, which, if 11:10AM
6 I recall from our last session, was around March of
7 2019; is that right?

8 A. That is right.

9 Q. Did you agree in March of 2019 that
10 there were too many variations of the disclosure 11:10AM
11 stickers for the Canteen vending machines that
12 utilized two tier revenue?

13 A. Yes. It was very inconsistent.

14 Q. The next slide here says, "Who," and
15 there are non-regulatory states. Last night I added 11:11AM
16 this up to be 40 states. And I'm going to be
17 honest, there are a number of states on this list
18 for which I never saw any data suggesting that
19 Canteen had machines in those states, for instance,
20 Alaska is on here, and Hawaii is on here, and I 11:11AM
21 never saw -- or I haven't seen in discovery at this
22 point any evidence that Canteen operates vending
23 machines in those states. Is that right or wrong?

24 MR. WYLIE: Objection to form.

25 A. That's correct. 11:11AM

1 Q. So the identification of non-regulatory
2 states on this particular slide does not necessarily
3 mean that Canteen had machines in any one of these
4 states; is that right?

5 A. That's correct. 11:11AM

6 Q. The next slide, which is slide 5 on
7 Exhibit 56 says, "What, non-regulatory states."
8 Down here it says, "Machine field survey, only
9 machines that charge two-tier need to be surveyed,
10 including devices that charge 2 tier within the last 11:12AM
11 30 days. Machines with cashless and no 2 tier do
12 not need a survey."

13 Did I read all that correctly?

14 A. You did.

15 Q. During this survey that we've talked 11:12AM
16 about both before, and we're talking about now, was
17 it the responsibility of the folks in the field to
18 determine whether a machine was a two tier machine
19 or not?

20 A. Yes. 11:12AM

21 Q. For instance, the folks at corporate in
22 Charlotte didn't give a field office a list of
23 machines that corporate determined were two tier
24 machines, the folks in the field made that
25 determination; is that right? 11:13AM

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1 A. I need to clarify that a bit. The folks
2 in the field would have determined if the machine
3 could be set up as two tier, but from the --
4 corporate, we could give each of the operations a
5 listing of all of their machines that were set up 11:13AM
6 as two tier in the system.

7 Q. Is that, in fact, what corporate did, is
8 provide the folks in the field with that listing?

9 A. Yes.

10 Q. I guess what I'm trying to drive at 11:13AM
11 here, sir, is how did you and your colleagues in
12 corporate ensure that all of the two two-tiered
13 machines that were in the field were getting
14 surveyed during this process?

15 A. Because we can see in the system which 11:13AM
16 ones are set up with that designation.

17 Q. Underneath this, it says, "Acuity
18 survey, guided step-by-step instructions, machines
19 photographed to capture compliance."

20 Did I read all that correctly? 11:14AM

21 A. Yes.

22 Q. This acuity survey, is this the app that
23 you talked with me about that was developed and to
24 be used on mobile phones?

25 A. Yes, that's correct. 11:14AM

1 Q. The next slide, slide six on Exhibit 56
2 has a series of steps for non-regulatory states.
3 There appear to be screen shots, or what, at least
4 to me, appear to be screen shots, maybe as many as
5 four. Is this literally what the app looked like on 11:14AM
6 a person in the field's phone when they were doing
7 the audit of a particular machine?

8 A. Yes.

9 Q. So, for instance, on this first one that
10 says "Non-regulatory states audit, QR code," there 11:15AM
11 is a question that says, "Is there a Canteen Connect
12 sticker, yes or no," and the person in the field
13 would simply just select yes or no and move on to
14 the next question; is that right?

15 A. Correct. 11:15AM

16 Q. When it says, "Is there a Canteen
17 Connect sticker," what is that referring to
18 specifically, Canteen Connect sticker?

19 A. On the exhibit, you can see there in the
20 blue kind of bottom center -- 11:15AM

21 Q. What I am sort of highlighting here
22 (indicating)?

23 A. Yes.

24 Q. Go on.

25 A. That is the sticker. It contains a QR 11:15AM

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1 code which links to the machine ID number.

2 Q. Is that something for consumers to use
3 or for your employees to use when interfacing with
4 the machine?

5 A. It's actually both. It is for the 11:16AM
6 consumer, they can use their phone. If they're
7 having a problem with the machine, they can use
8 their phone camera and a QR code, and then they can
9 text Canteen to say that the machine is not working
10 or perhaps they want a refund. And we know, again, 11:16AM
11 based on that connection to the QR code to the
12 machine ID where that machine is at.

13 Q. This Canteen Connect sticker, did this
14 at any point in time contain any disclosures
15 regarding two tier pricing? 11:16AM

16 A. No.

17 Q. So whether a machine had a Canteen
18 Connect sticker or not wouldn't make a difference as
19 to whether it may or may not have disclosed any
20 information to a consumer regarding two tier 11:17AM
21 pricing; is that right?

22 A. That's correct.

23 Q. The fact that there is a question for
24 the folks in the field as to whether the machine had
25 a Canteen Connect sticker or not, my assumption is 11:17AM

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1 that some of those machines did not have that
2 sticker; is that right?

3 A. It is possible that some did not.
4 That's why we had the question there, just in case.

5 Q. Then it looked like the folks in the 11:17AM
6 field were to take a picture of that sticker as part
7 of the process; correct?

8 A. They were to take a picture of that QR
9 code, which then puts the machine ID number and
10 location information into the survey. 11:17AM

11 Q. When I'm looking at this one here, it
12 says, "Upload image of the Canteen Connect sticker."
13 Do you see that right next to where my
14 cursor is?

15 A. Yes. That's the purpose of it. 11:18AM

16 Q. The next page here says, "Cash discount
17 sticker, no." I assume that when it says steps,
18 these are the steps that the person in the field
19 would go through using this acuity audit app that we
20 talked about before; is that right? 11:18AM

21 A. Correct.

22 Q. I assume there is -- and you and I
23 talked about this before, but I haven't actually
24 seen this. There was a point in time when the
25 person in the field conducting the audit of the 11:18AM

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1 machine would input whether there was a cash
2 discount sticker on the machine or not; correct?

3 A. Correct.

4 Q. And then they were -- it appears that
5 this person was to upload an image of the machine 11:19AM
6 corner to corner, meaning they were to take a
7 picture of the entire machine so that you could see
8 the top, bottom, sides, and everything; is that
9 right?

10 A. That's correct. 11:19AM

11 Q. And then it says here, "Apply new
12 sticker." Based on your testimony before,
13 regardless of whether a machine had a sticker or
14 not, the person in the field that was conducting the
15 audit was to put on a new sticker reflecting this -- 11:19AM
16 at least in the non-regulatory states, reflecting
17 this information where my cursor is on the right
18 side of page 6 here; is that right?

19 A. That's right.

20 Q. It looks like the person was to take a 11:19AM
21 picture of the machine with the new sticker on it;
22 is that accurate?

23 A. Yes.

24 Q. And then when they were done, they would
25 click finish, and they would be done with that 11:20AM

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1 MR. WYLIE: Objection. Foundation.

2 Q. If you know.

3 A. She might. I don't know.

4 Q. Going back to this timeline here, at
5 this point in time, it says -- excuse me, at the 11:37AM
6 time this PowerPoint presentation was created, it
7 looked like the required project completion date was
8 July 26th, 2019; correct?

9 A. Yes.

10 Q. Obviously, this survey didn't even come 11:37AM
11 close to meeting that date; right?

12 A. Correct.

13 Q. Are you able to tell me, as you sit here
14 today, what the problems or issues were in getting
15 this survey timely completed -- or, excuse me, 11:38AM
16 completed by the, at least, initial July 26th, 2019
17 date on this?

18 MR. WYLIE: Objection. Form.

19 A. We had issues with getting the stickers,
20 and also we had issues with having the manpower 11:38AM
21 available to do all the surveys. And so those were
22 the main issues that were pushing timelines out.

23 (Exhibit 57, PowerPoint
24 presentation, Cashless Two Tier Project,
25 Regulatory States, marked for identification, 11:39AM

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1 as of this date.)

2 Q. Mr. Goldring, I'm going to show you an
3 exhibit that we're marking as Exhibit Number 57 to
4 your deposition, it is a different PowerPoint
5 presentation that was provided to us. And it's 11:39AM
6 entitled "Cashless Two Tier Project, Regulatory
7 States." Do you see that?

8 A. Yes.

9 Q. And I think you told me at the last
10 deposition that the regulatory states were those 11:39AM
11 states in which Canteen determined additional
12 disclosure to consumers was required regarding both
13 the cash and the card price on the machines; is that
14 right?

15 A. Yes. 11:39AM

16 Q. That was based on a review or analysis
17 of each of the states' laws regarding labelling;
18 correct?

19 A. Yes.

20 Q. Again, don't -- without you disclosing 11:39AM
21 any communications you may have had with attorneys,
22 I think that you indicated that Mr. Wylie's firm was
23 the firm that conducted that analysis for Canteen;
24 is that right?

25 A. Yes. 11:39AM

1 STATE OF NORTH CAROLINA

2 WAKE COUNTY

3 REPORTER'S CERTIFICATE

4 I, Andrea L. Kingsley, a Notary Public
5 in and for the State of North Carolina, do hereby
6 certify that there came before me on Wednesday, the
7 June 30, 2021, the person hereinbefore named, who
8 was by me duly sworn via Virtual Zoom to testify to
9 the truth and nothing but the truth of his
10 knowledge concerning the matters in controversy in
11 this cause; that the witness was thereupon examined
12 under oath, the examination reduced to typewriting
13 under my direction, and the deposition is a true
14 record of the testimony given by the witness.

15 I further certify that I am neither
16 attorney or counsel for, nor related to or employed
17 by, any attorney or counsel employed by the parties
18 hereto or financially interested in the action.

19 IN WITNESS WHEREOF, I have hereto set
20 my hand this the 15th day of July, 2021.

21
22
23 

24 Andrea L. Kingsley, Notary Public

25 Notary Public #201903800023